

Art Unit: 1614

### EXAMINER'S AMENDMENT

An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this Examiner's amendment was given in a telephone interview with attorney Anne Rosenblum (Reg. No. 30,419) on Tuesday, July 22, 2008.

The application has been amended as follows:

In the Claims:

***Please amend Claim 15 in the following manner:***

---Claim 15 (Currently Amended): A method of treating a non-small cell lung tumor in a mammal which comprises administering to said mammal an effective amount of a combination comprising a cytokine inducer and a chemotherapeutic agent, wherein the cytokine inducer is [R-(R\*,R\*)]-N-[(R)-6-carboxy-N<sup>2</sup>-[[2-carboxy-1-methyl-2-[(1-oxoheptyl)amino]-ethoxy]carbonyl]-L-lysyl]-alanine or a pharmaceutically acceptable salt thereof, and the chemotherapeutic agent is paclitaxel or a combination of paclitaxel and carboplatin, and wherein said combination of the cytokine inducer and the chemotherapeutic agent has a greater tumor suppressing effect than that of the chemotherapeutic agent alone.---

***Claims 15 and 18 are allowed.***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie A. Royds whose telephone number is (571)-272-6096. The examiner can normally be reached on Monday-Friday (9:00 AM-5:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ardin H. Marschel can be reached on (571)-272-0718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Leslie A. Royds/  
Patent Examiner, Art Unit 1614

July 23, 2008

/Ardin Marschel/  
Supervisory Patent Examiner, Art Unit 1614